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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 UNITED STATES OF AMERICA,
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13 Plaintiff,
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15 v.
16 ALDO DAVID ALCARAZ,
17
18 Defendant.

Case No. 1:21-cr-00205-ADA-BAM

**STIPULATION TO CONTINUE JULY 10, 2023
MOTION HEARING TO AUGUST 28, 2023;
ORDER**

17 This case is set for a motion hearing on July 10, 2023.

18 THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant
19 United States Attorney David Gappa, counsel for the government, and Thomas P. Matthews, counsel for
20 defendant Aldo David Alcaraz (“defendant”), that the **July 10, 2023, motion hearing be continued to**
21 **August 28, 2023, at 10:00 a.m.** The parties likewise ask the Court to endorse this stipulation by way of
22 formal order.

23 The parties base this stipulation on good cause. Specifically,

24 1. By this stipulation, the parties move to continue the July 10, 2023, motion hearing until
25 August 28, 2023, as well as to exclude time between July 10, 2023, through August 28, 2023, under 18
26 U.S.C. § 3161(h)(7)(A) and (B)(iv).

27 2. The parties based this stipulation on good cause. To explain:

28 a) In May 2023, the prosecution of this case was re-assigned to Assistant United

1 States Attorney, David Gappa. The government filed a designation of counsel form in this
2 regard on April 26, 2022. Dkt. 46. The government has previously represented that discovery
3 associated with this case has been either produced directly to counsel or made available for
4 inspection and copying. The government has further represented that the discovery associated
5 with this case includes state and local law enforcement reports, body camera footage, the
6 extraction of the defendant's phone, audio and video recordings of interviews with both the
7 defendant and identified victims, etc. The government has also identified supplemental
8 discovery containing reports about and recordings of interviews with two recently identified
9 victims. This discovery has been either produced directly to counsel and/or made available for
10 inspection and copying.

11 b) The government recently delivered a revised proposed plea agreement to the
12 defense for its analysis. Defense counsel is in the midst of analyzing this proposed agreement in
13 light of evidence unearthed and discovery produced.

14 c) Counsel for defendant desires additional time to consult with his client and to
15 review the contraband evidence that remains in the custody of law enforcement, which is made
16 more difficult because defense counsel is in San Diego and the defendant is in custody in
17 Bakersfield, where the contraband material is also kept (HSI's Bakersfield Office). Upon the
18 defense's request, counsel for the government will work to promptly assist the defense with any
19 logistical issues attendant to any intention to review electronic evidence in this case pursuant to
20 the parameters set forth within 18 U.S.C. § 3509 of the Adam Walsh Act.

21 d) Defense counsel also desires additional time to review the charges, conduct
22 investigation and research, to review the discovery, to consider the scope of potential pretrial
23 motions, and to discuss potential resolution with his client and counsel for the government.

24 e) Counsel for defendant believes that failure to grant the above-requested
25 continuance would deny him the reasonable time necessary for effective preparation, considering
26 the exercise of due diligence.

27 f) The parties both agree to the continuance.

28 g) Based on the above-stated findings, the ends of justice served by continuing the

case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 10, 2023 through August 28, 2023, inclusive, is deemed excludable under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 14, 2023

PHILLIP A. TALBERT
United States Attorney


By: /s/ DAVID GAPPA
DAVID GAPPA
Assistant United States Attorney

Dated: June 14, 2023

(As authorized 6/14/23)
By: /s/ Thomas P. Matthews
Thomas P. Matthews, Esq.
Attorney for Defendant
Aldo David Alcaraz

IT IS SO ORDERED.

Dated: June 14, 2023


UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALDO DAVID ALCARAZ,

Defendant.

Case No. 1:21-cr-00205-ADA-BAM

**STIPULATION TO CONTINUE JULY 10, 2023
MOTION HEARING TO AUGUST 28, 2023;
ORDER**

Ctrm: 8

Hon. Barbara A. McAuliffe

ORDER

IT IS ORDERED that the motion hearing currently set for July 10, 2023, at 1:00 pm is continued until August 28, 2023, at 10:00 a.m.

IT IS FURTHER ORDERED THAT the period of time from July 10, 2023, through August 28, 2023, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.